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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,851	01/24/2002	David Sauer	UTL 00040	3762

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EXAMINER
AU, SCOTT D

ART UNIT	PAPER NUMBER
2635	2

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

● ●

	Application No.	Applicant(s)
Office Action Summary	10/056,851	SAUER, DAVID
	Examiner	Art Unit	
	Scott Au	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-35_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-35_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _24 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

The application of David for a "System and method for broadcasting a message from a wireless communications device" filed January 24, 2002 has been examined.

Claims 1-35 are pending.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4, 17-18 and 35 are rejected under 35 U.S.C. 102(e) as being unpatentable over by Helferich (US# 6,462,646).

Referring to claim 1, Helferich discloses in a mobile wireless communications device, a method for automatically broadcasting messages to a plurality of recipients, the method comprising (col. 10 lines 44-46):

creating a message (i.e. message is created and then stored);

selecting message recipients (col. 10 lines 44-48); and,

broadcasting the message to the selected recipients via a wireless communications network (col. 10 lines 44-59).

Referring to claim 2, Helferich discloses the method of claim 1 wherein creating a message includes recording voice and text messages (col. 13 lines 16-20 and 49-63).

Referring to claim 3, Helferich discloses the method of claim 2 further comprising: selecting recipients and recipient addresses from a preprogrammed recipient list (col. 10 lines 44-48).

Referring to claim 4, Helferich discloses the method of claim 3 further comprising: selecting a schedule for broadcasting the message; and selecting delivery options associated with broadcasting the message (col. 3 lines 42-58, col. 6 lines 10-25 and col. 9 lines 62-67).

Referring to claim 17, Helferich discloses in a mobile wireless communications device, a system for automatically broadcasting messages to a plurality of recipients, the system comprising (col. 10 lines 44-46):

a message memory (5) (i.e. a memory) with an output to supply messages for broadcasting (col. 5 lines 15-25);

a recipient memory with an output to supply selected recipient names and addresses (col. 5 lines 15-25 and col. 10 lines 44-48);

a broadcast circuit having an input to accept messages from the message memory, an input to accept selected message recipients from the recipient memory, and an output to supply a broadcast message for a plurality of selected recipients (col. 9 line 50 to col. 10 line 60); and,

a transceiver (2) (i.e. a transceiver) having an input to accept the broadcast message and an output to transmit the broadcast message via an airlink interface (col. 4 lines 60-67; see Figure 2).

Referring to claim 18, Helferich discloses the system of claim 17 further comprising: a wireless communications device user interface (3); and, wherein the message memory (5) has an input (i.e. microphone and keypad) to accept voice and text broadcast messages from the user interface (col. 5 lines 4-14).

Referring to claim 35, Helferich discloses in a mobile wireless communications device, a system for automatically broadcasting message to a plurality of recipients, the system comprising (col. 10 lines 44-46):

a wireless communications device user interface (3) (i.e. an interface) (col. 10 line 44);

a message memory (5) (i.e. a memory) with an input to accept voice and text messages from the user interface and an output to supply a broadcast message (col. 5 lines 4-25);

a recipient memory (5) (i.e. a memory) with an input connected to the user interface (3) to accept selections of recipient names and recipient addresses and an output to supply selected recipient names and addresses (col. 5 lines 15-25 and col. 10 lines 44-48);

a broadcast circuit (27) (i.e. CPU) with an input to accept the broadcast message from the message memory (5) (i.e. a memory), an input (3) (i.e. a user interface) to accept the selected recipient names and addresses from the recipient memory (col. 13 lines 14-20), an input to accept broadcast schedule (i.e. a timer) selections (col. 3 lines 42-58 and col. 6 lines 10-25), broadcast delivery option selections (col. 9 lines 62-67), and a broadcast command signal from the user interface (col. 10 lines 43-44), and an output to supply the broadcast message to the selected recipient addresses (col. 10 line 64 to col. 11 line 4); and,

a transceiver (2) (i.e. a transceiver) with an input to accept the broadcast

message and selected recipient addresses from the broadcast circuit (col. 4 lines 60-

67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich

(US# 6,462,646) in view of Wagner et al. (US# 6,282,435).

Referring to claim 16, Helferich discloses in a mobile wireless communications

device, a method for automatically broadcasting messages to a plurality of recipients,

the method comprising (col. 10 lines 44-46):

preprogramming a recipient list of recipient names and addresses (col. 10 lines

44-48) (i.e. list of recipient names and addresses created and stored);

storing the recipient list in the wireless communications device; recording voice

and text messages (col. 10 lines 44-48 and col. 13 lines 16-20 and 49-63);

selecting delivery status options from the group including identifying: recipient

addresses receiving the message (col. 10 lines 44-48) (i.e. scrolled down list);

selecting recipient message response options from the group including:

accepting responses from the recipients (col. 9 lines 62-67); and,

selecting recipient non-receipt options from the group including: rebroadcasting

the message to recipient addresses not receiving the message (col. 2 lines 34-36).

However, Helferich did not explicitly disclose selecting recipients, recipient

telephones, voicemail systems, and email and Internet addresses from the recipient

list.

In the same field of endeavor of wireless communication device, Wagner et al.

disclose selecting recipients, recipient telephones, voicemail systems, and email from

the recipient list (col. 6 lines 41-50; see Figure 4) in order to listen or view messages on

the display (4).

Therefore, it would have been obvious to a person of ordinary skilled in

the art at the time the invention was made to include wherein selecting recipients and

recipient addresses from a preprogrammed recipient list includes selecting recipient

addresses from the group including recipient telephones, voicemail boxes, and email

disclosed by Wagner et al. into mobile device recipient list options of Helferich with the

motivation for doing so would allow more options and convenience for the user to

access voice and text messages.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (US# 6,462,646) in view of Chaco (US# 6,009,333).

Referring to claim 5, Helferich discloses the method of claim 4. However, Helferich did not explicitly disclose wherein broadcasting the message to the selected recipients via a wireless communications network includes automatically broadcasting the message in response to a single command to the wireless communications device.

In the same field of endeavor of wireless communication system, Chaco discloses wherein broadcasting the message to the selected recipients via a wireless communications network includes automatically broadcasting the message in response to a single command to the wireless communications device (col. 7 lines 13-18; see Figure 2) in order to transmit badge data to a telephone IR receiver or to transceiver (40).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to include pressing a single function key which define a command signal disclosed by Chaco into mobile wireless device of Helferich with the motivation for doing so would allow the message to broadcast to another device.

Claims 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (US# 6,462,646) in view of Chaco (US# 6,009,333) and further in view of Wagner et al. (US# 6,282,435).

Referring to claim 6, Helferich in view of Chaco disclose the method of claim 5. However, Helferich in view of Chaco did not explicitly disclose wherein selecting recipients and recipient addresses from a preprogrammed recipient list includes selecting recipient addresses from the group including recipient telephones, voicemail boxes, and email and Internet addresses.

In the same field of endeavor of mobile device system, Wagner et al. disclose wherein selecting recipients and recipient addresses from a preprogrammed recipient list includes selecting recipient addresses from the group including recipient telephones, voicemail boxes, and email (col. 6 lines 41-50; see Figure 4) in order to listen or view messages on the display (4).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to include wherein selecting recipients and recipient addresses from a preprogrammed recipient list includes selecting recipient addresses from the group including recipient telephones, voicemail boxes, and email disclosed by Wagner et al. into mobile device recipient list options of Helferich in view of Chaco with the motivation for doing so would allow more options and convenience for the user to access voice and text messages.

Referring to claim 7, Helferich in view of Chaco and further in view of Wagner et al. disclose the method of claim 6, Helferich discloses wherein selecting delivery options associated with broadcasting the message includes selecting:

delivery status options (col. 10 lines 44-48);

recipient message response options (col. 9 lines 62-67); and,

recipient non-receipt options (col. 2 lines 34-36).

Referring to claim 8, Helferich in view of Chaco and further in view of Wagner et

al. disclose the method of claim 7, Helferich discloses wherein selecting delivery status

options includes selecting options from the group including identifying: recipient

addresses receiving the message (col. 10 lines 44-48), recipient addresses with

answering machines receiving the message, recipient addresses not accepting the

message, and non-communicating recipient addresses.

Referring to claim 9, Helferich in view of Chaco and further in view of Wagner et

al. disclose the method of claim 8, Helferich discloses wherein selecting recipient

message response options includes selecting from the group including: accepting

responses from the recipients (col. 9 lines 62-67), displaying the responses from the

recipients, and storing the responses from the recipients in the wireless communications

device.

Referring to claim 10, Helferich in view of Chaco and further in view of Wagner et

al. disclose the method of claim 9, Helferich discloses wherein selecting recipient non-

receipt options includes selecting from the group including: rebroadcasting the message

to recipient addresses not receiving the message (col. 2 lines 34-36), displaying a

status message regarding recipient addresses not receiving the message, and doing

nothing in response to recipient addresses not receiving the message.

Referring to claim 11, Helferich in view of Chaco and further in view of Wagner et

al. disclose the method of claim 10, Helferich discloses wherein instructing the wireless

communications device to rebroadcast the message to recipient addresses not

receiving the message includes selecting the number of rebroadcast attempts and the

time between rebroadcast attempts (col. 2 lines 30-37, col. 6 lines 10-25 and col. 9 lines

17-27).

Referring to claim 12, Helferich in view of Chaco and further in view of Wagner et

al. disclose the method of claim 11, Helferich discloses wherein selecting recipients and

recipient addresses from a preprogrammed recipient list includes: preprogramming the

recipient list, the list including entries selected from the group including recipient names

and addresses; and, storing the recipient list (col. 10 lines 44-48).

Referring to claim 13, Helferich in view of Chaco and further in view of Wagner et

al. disclose the method of claim 12, Wagner et al. disclose wherein recording voice and

text messages includes: establishing a plurality of message macros with blank fields;

wherein creating a message includes: selecting a macro; and, completing the blank

fields in the macro (col. 7 lines 1-23).

Referring to claim 14, Helferich in view of Chaco and further in view of Wagner et al. disclose the method of claim 13, Wagner et al. disclose wherein recording voice and text messages includes: establishing a plurality of predetermined messages; and, wherein creating a message includes selecting a message from the plurality of predetermined messages (col. 7 lines 1-23; see Figure 6).

Referring to claim 15, Helferich in view of Chaco and further in view of Wagner et al. disclose the method of claim 12, Helferich discloses wherein creating a message includes downloading data and video messages into the wireless communications device from an interface port (col. 3 lines 18-22 and col. 15 line 59 to col. 16 line 20).

Claims 19-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (US# 6,462,646) in view of Wagner et al. (US# 6,282,435).

Referring to claim 19, Helferich discloses the system of claim 18. However, Helferich did not explicitly disclose wherein the recipient memory has an input connected to the user interface to accept selections of stored recipient names and addresses, the addresses selected from the group including recipient telephones, voicemail boxes, and email and Internet addresses.

In the same field of endeavor of mobile device system, Wagner et al. disclose wherein the recipient memory has an input connected to the user interface to accept selections of stored recipient names and addresses, the addresses selected from the

group including recipient telephones, voicemail boxes, and email and Internet

addresses (col. 6 lines 41-50) in order to listen or view messages on the display (4).

Therefore, it would have been obvious to a person of ordinary skilled in the art at

the time the invention was made to include wherein the recipient memory has an input

connected to the user interface to accept selections of stored recipient names and

addresses, the addresses selected from the group including recipient telephones,

voicemail boxes, and email disclosed by Wagner et al. into mobile device system of

Helferich with the motivation for doing so would allow the more options and

convenience for the user to access voice and text messages.

Referring to claim 20, Helferich in view of Wagner et al. disclose the system of

claim 19, Helferich discloses wherein the broadcast circuit includes an input to accept

broadcast schedule selections and broadcast delivery option selections including

delivery status options, recipient message response options, and recipient non-receipt

options from the user interface (col. 2 lines 34-36, col. 3 lines 42-58, col. 6 lines 10-25

and col. 9 lines 62-67).

Referring to claim 21, Helferich in view of Wagner et al. disclose the system of

claim 20, Wagner et al. disclose wherein the broadcast circuit accepts a broadcast

command signal from the user interface for initiating broadcast of the broadcast

message (col. 4 lines 44-46).

Referring to claim 22, Helferich in view of Wagner et al. disclose the system of claim 21, Wagner et al. disclose wherein the broadcast circuit (20) (i.e. processing and control) establishes compliance instructions for the recipient addresses in response to the broadcast delivery option selections (col. 4 lines 38-55).

Referring to claim 23, Helferich in view of Wagner et al. disclose the system of claim 22, Helferich discloses wherein the broadcast circuit supplies the compliance instructions with the broadcast message in response to the broadcast schedule selections (col. 3 lines 42-58).

Referring to claim 24, Helferich in view of Wagner et al. disclose the system of claim 23, Wagner et al. disclose wherein the transceiver receives recipient return information via the airlink interface responsive to the compliance instructions and has an output to supply the recipient return information to the broadcast circuit (i.e. see Figure 5); and, wherein the broadcast circuit (20) (i.e. processing and control circuit) has an input (23) (i.e. inputs and play button (37)) to accept the recipient return information from the transceiver (22) (col. 3 lines 23-41 and col. 6 lines 41-50).

Referring to claim 25, Helferich in view of Wagner et al. disclose the system of claim 24, Helferich discloses wherein the broadcast circuit: determines notification information to be supplied to the user interface and additional selection information required in response to the recipient return information; includes an output to supply

notification information and requests for additional selection information to the user

interface; and, accepts selections from the user interface responsive to the requests for

additional selection information (col. 7 lines 12-24).

Referring to claim 26, Helferich in view of Wagner et al. disclose the system of

claim 25, Helferich discloses wherein the broadcast circuit accepts delivery status

options from the user interface selected from the group including identifying: recipient

addresses receiving the message (col. 10 lines 44-48), recipient addresses with

answering machines receiving the message, recipient addresses not accepting the

message, and non-communicating recipient addresses.

Referring to claim 27, Helferich in view of Wagner et al. disclose the system of

claim 26, Helferich discloses wherein the broadcast circuit accepts recipient message

response options from the user interface selecting from the group including: accepting

responses from the recipients (col. 9 lines 62-67), displaying the responses from the

recipients (i.e. visual and audible reception (3) interface), and storing the responses

from the recipients in the wireless communications device (5) (i.e. memory) (col. 3 lnes

4-25; see Figure 2).

Referring to claim 28, Helferich in view of Wagner et al. disclose the system of

claim 27, Helferich discloses wherein further comprising: a response memory with an

input to accept recipient responses from the broadcast circuit for storage and an output

to supply stored responses to the user interface (col. 12 lines 43-51 and col. 13 lines 49-63).

Referring to claim 29, Helferich in view of Wagner et al. disclose the system of claim 28, Helferich discloses wherein the broadcast circuit accepts recipient non-receipt options from the user interface selected from the group including: rebroadcasting the broadcast message to recipient addresses not receiving the broadcast message (col. 2 lines 34-36), displaying a status message regarding recipient addresses not receiving the broadcast message, and doing nothing in response to recipient addresses not receiving the broadcast message (col. 9 lines 16-26).

Referring to claim 30, Helferich in view of Wagner et al. disclose the system of claim 29, Helferich discloses wherein the broadcast circuit accepts selections from the user interface regarding the number of rebroadcast attempts and the time between rebroadcast attempts (col. 2 lines 34-36, col. 9 lines 16-26 and col. 10 lines 44-48).

Referring to claim 31, Helferich in view of Wagner et al. disclose the system of claim 30, Helferich discloses wherein the recipient memory accepts recipient names and addresses from the user interface for storage (col. 5 lines 15-26 and col. 10 lines 44-48).

Referring to claim 32, Helferich in view of Wagner et al. disclose the system of claim 31, Wagner et al. disclose wherein the message memory includes a plurality of broadcast message macros with blank fields; and, wherein the message memory accepts commands from the user interface for selecting from the plurality of broadcast message macros stored in the message memory and for populating the blank fields (col. 7 lines 1-23).

Referring to claim 33, Helferich in view of Wagner et al. disclose the system of claim 31, Wagner et al. disclose wherein the message memory includes a plurality of predetermined broadcast messages in storage and accepts predetermined broadcast message selection commands from the user interface (col. 7 lines 1-23).

Referring to claim 34, Helferich in view of Wagner et al. disclose the system of claim 31, Helferich discloses wherein the message memory accepts data and video message downloads from the user interface (col. 3 lines 18-22 and col. 15 line 59 to col. 16 line 20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nuovo et al. (US# 6,097,964) disclose a telephone handset comprises a front surface with a display and a keypad.

Any inquiry concerning this communication or earlier communications form the

examiner should be directed to Scott Au whose telephone number is (703) 305-4680.

The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone

numbers for the organization where this application or proceeding is assigned are (703)-

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)-

305-3900.

Scott Au

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